

Appln. No.: 10/696,698
Amdt. dated May 1, 2006
Reply to Office action of December 29, 2005

REMARKS

Applicants acknowledge with appreciation the allowance of claims 1-2, 5-6, 10-18 and 20-21.

Claim Rejections

Claims 3-4, 7-8 and 19 have been rejected under 35 USC 102(b) as being anticipated by U.S. Patent 3,985,264 to Shaw et al. Applicants respectfully traverse this rejection.

Though believed to define patentable subject matter over all the references, including Shaw et al, whether considered separately or in combination with one another, claim 3 has been amended to more clearly define patentable subject matter. As amended, claim 3 defines an apparatus for dispensing packages of medication loaded into the apparatus as a string of joined packages having dispensatory instructions thereon. Among other things, the apparatus has a feed mechanism received in a cavity in operable communication with an actuator for feeding and dispensing the packages of medication toward an outlet. The feed mechanism has a pair of feed rollers biased toward one another to engage the packages and being movable laterally away from one another as the packages engage and pass between the feed rollers. Further, the feed mechanism has a pair of dispensing rollers biased toward one another to engage the packages and being movable laterally away from one another to accommodate the packages as the packages engage and pass between the dispensing rollers.

In contrast, as discussed in response to the previous Office Action, Shaw et al discloses an apparatus for dispensing drugs having a guard strip 16 which carries dispensable articles 18 thereon. Rollers 60 are arranged in axial alignment with one another for engagement of a flange 59 on the card strip. A pair of guide rollers 62 keep the card strip 16 in a vertical position to facilitate dispensation of the selected drug container 18 to remove it from the strip 16. At no point do the rollers 60, 62 engage the drug container 18, let alone a package of any kind, nor is there any suggestion that it would be beneficial or possible to do so. Accordingly, applicants traverse the examiner's position that the entire strip, including elements referenced by numerals 16, 59 and 18, can be considered the packages. Regardless, applicants have further defined the invention

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over Shaw et al by further defining the feed rollers as being biased toward one another to engage the packages and being moveable laterally away from one another as the packages engage and pass between the feed rollers. Certainly Shaw et al does not suggest or motivate one skilled in the art to derive this teaching from its disclosure. Further yet, Shaw et al does not suggest or motivate one skilled in the art to derive a pair of dispensing rollers biased toward one another to engage the packages and being movable laterally away from one another to accommodate the packages as the package engage and pass between the dispensing rollers, as taught by applicants.

Accordingly, as amended, claim 3 is believed to define patentable subject matter and to be in proper condition for allowance. Such action is respectfully requested.

Claim 4, although believed to already define patentable subject matter over all the references, including Shaw et al, whether considered separately or in combination with one another, has been amended to more clearly define patentable subject matter. As amended, among other things, claim 4 recites an apparatus for dispensing packages of medication having dispensatory instructions thereon, wherein the apparatus has a feed mechanism received in a cavity in operable communication with an actuator for feeding and dispensing the packages of medication toward an outlet. The feed mechanism has a pair of feed rollers arranged to rotate at one velocity while engaging the packages as the packages pass between the feed rollers. In addition, the apparatus has a pair of dispensing rollers arranged to rotate at a velocity greater than the feed rollers while engaging the packages as the packages pass between the dispensing rollers.

In contrast, Shaw et al, as mentioned, does not provide rollers for engaging packages of medication as the packages pass between the rollers. Further, Shaw et al does not suggest or motivate one skilled in the art to derive feed rollers that rotate at one velocity while engageing the packages as the packages pass between the rollers, and a pair of dispensing rollers that rotate at a velocity greater than the feed rollers while engaging the packages as the packages pass between the dispensing rollers.

Accordingly, as amended, claim 4 is believed to define patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

Claims 7 and 8 are dependent upon amended claims 3 and 4, respectively, and thus, are believed to define patentable subject matter and to be in condition for allowance for at least the same reasons. Such action is respectfully requested.

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Claim 19 has been amended to more clearly define patentable subject matter over all the references, whether considered separately or in combination with one another. As amended, claim 19 defines an apparatus for dispensing packages of medication having dispensatory instructions thereon, and includes, among other things, a feed mechanism having a pair of feed rollers rotatable at one velocity and a pair of dispensing rollers rotatable at a greater velocity than the feed rollers. The feed mechanism is received in a cavity of the apparatus and in operable communication with an actuator for feeding and dispensing the packages of mediation toward an outlet.

As discussed above in support of amended claim 4, Shaw et al, nor any of the other references cited, disclose an apparatus for dispensing packages of medication having a feed mechanism with a pair of feed rollers rotatable at one velocity, and having a pair of dispensing rollers rotatable at a greater velocity than the feed rollers, nor is there any suggestion within any of the references to do so.

Accordingly, claim 19, as amended, is believed to define patentable subject matter and to be in condition for allowance. Such action is respectfully requested.

If after review of this amendment, the examiner believes any of the amended claims to be in other than condition for allowance, applicants' undersigned attorney respectfully requests a phone interview, with the interview being initiated by the examiner.

It is believed that this application now is in condition for allowance. Further and favorable action is requested.

The Patent Office is authorized to charge or refund any fee deficiency or excess to Deposit Account No. 04-1061.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this Amendment is being deposited with the United States Postal Service via Facsimile 571-273-8300 addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 1, 2006.

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